

EXHIBIT J

RECORD OF PROCEEDINGS - 09/07/2017

1
2 TRI-STATE DISPOSAL,)
3 Complainant,)
4 vs.)
5 RIVERDALE MATERIALS, LLC,)
6 Respondent.)

7
8 Record of proceedings in the
9 hearing of the above-entitled cause, at the Village
10 of Riverdale, 157 W. 144th Street, before CHAIRMAN
11 MATTHEW INGERSOLL, in the City of Riverdale, County
12 of Cook, State of Illinois, before Victoria D.
13 Rocks, CSR, Notary Public, commencing at 7:00
14 o'clock p.m., on the 7th day of September, 2017,
15 A.D.
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1 APPEARANCES:

2 LaROSE & BOSCO, LTD.
3 MR. MARK LaROSE
4 200 N. LaSalle Street
5 Suite 2810
6 Chicago, Illinois 60601
7 (312) 642-4414
8 mlarose@laroseboscolaw.com

9 appeared on behalf of the Complainant;

10 DALEY & GEORGES, LTD.
11 MR. RICHARD TOTH
12 20 S. Clark Street
13 Suite 400
14 Chicago, Illinois 60603
15 (312) 726-8797
16 rtoth@daleygeorges.com

17 appeared on behalf of the Respondent.
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I-N-D-E-X

Report of Proceedings: 4 - 85

1 CHAIRMAN INGERSOLL: The next case is regarding
2 1208 West 138th Street. The Board noted that proper
3 legal notice was given. Is there a representative
4 from the applicant here?

5 MR. TOTH: Thank you for your time.

6 CHAIRMAN INGERSOLL: State your name.

7 MR. TOTH: My name is Richard Toth, T-o-t-h.

8 CHAIRMAN INGERSOLL: Mr. Toth, could you raise
9 your right hand to be sworn in.

10 MR. TOTH: And I also have some additional
11 witnesses. I invite you to swear them in now or
12 later, at your preference.

13 CHAIRMAN INGERSOLL: Yes.

14 MR. TOTH: Will you all stand up and do it
15 together.

16 CHAIRMAN INGERSOLL: Will the additional
17 witnesses please stand up.

18 MR. BRACKEN: Jim Bracken.

19 MR. LIS: Kenneth Liss, L-i-s-s.

20 MR. HEY: Joshua Hey, H-e-y.

21 CHAIRMAN INGERSOLL: Raise your right hand to
22 be sworn.

23 As a preliminary matter, Mr. Toth, it's my
24 understanding that the applicant is withdrawing its

1 request to transfer municipal solid waste on the
2 property?

3 MR. TOTH: Correct. There's different
4 materials that are identified in the application.
5 One set of those materials was municipal solid
6 waste, and we are withdrawing that portion of the
7 application.

8 CHAIRMAN INGERSOLL: Thank you. And just so
9 you know, the letter that you sent to the Village
10 indicated that that is what you were going to do as
11 part of the record in this proceeding.

12 MR. TOTH: That's correct. I confirm that.

13 CHAIRMAN INGERSOLL: Thank you. Go ahead.

14 MR. TOTH: Thank you. Again, my name is
15 Richard Toth. I am an attorney at Daley and
16 Georges. We have offices in Chicago.

17 We are appearing on behalf of the
18 coapplicants, Riverdale Materials, LLC, which is
19 going to be the operator at the site. And to be
20 safe, we have named as coapplicant the property
21 owner, 1201 West 138th Street, LLC.

22 I have present with me, and I will
23 introduce him momentarily, a representative of both
24 companies, Jim Bracken. And we also have the

1 project engineers for the site. Primarily Ken Lis.
2 Ken is the president of Andrews Engineering, based
3 in Springfield, but they have offices here in
4 Lombard. Also a younger engineer at their business,
5 Josh Hey, who is also here. He's worked on the
6 project too, in case he could add something to it
7 here.

8 The property is at 1201 West 138th Street.
9 It's just under 18 acres. It's surrounded next to a
10 train yard to the north. There's some forested area
11 to the east. On the south is 138th Street, and
12 there's some used car dealerships to the west,
13 dealerships for used cars.

14 The property is currently zoned for
15 industrial uses. It's zoned I-2. Under a previous
16 owner, the site was most recently operated as a
17 concrete crushing and screening operation. So this
18 use is not a very far throw from that. Jim Bracken
19 and his wife have operated various hauling and
20 materials processing facilities over the past 15
21 years or so, and they're experienced in the
22 industry. Jim will talk about that.

23 Again, Riverdale Materials plans to operate
24 a materials processing and recycling facility and

1 transfer station for those materials. The facility
2 is going to provide some useful services to the
3 area.

4 And before we get into exactly what we're
5 doing, I want to highlight again what we're not
6 doing. Part of the application was for municipal
7 solid waste. That could be sort of home garbage or
8 street sweepings, things like that. So we're taking
9 that out of the application right now. So that is
10 not something we're seeking now. And we have
11 formally withdrawn that part.

12 Also uses like this sometimes require
13 other approvals. Sometimes they require approvals
14 from the Illinois Environmental Protection Agency,
15 siting approval. We know we're not getting all the
16 approvals we need here today. This is a first step.
17 We need the City's zoning use approval. So we're
18 starting with that.

19 There's objectors who are kind of focused
20 on some other things for other hearings. Again,
21 this is the first step of a process, and we're going
22 through each step in turn. And the first step is
23 Riverdale.

24 So if I could, I'd like to introduce Jim

1 Bracken. Jim, do you want to step up. Is it okay
2 if I take a chair and put our site plan up on it as
3 a display.

4 MR. BRACKEN: Good evening, Board members. My
5 name is Jim Bracken.

6 MR. TOTH: By way of introduction, the property
7 owner for our subject property is 1201 West 138th
8 Street, LLC. Is that correct?

9 MR. BRACKEN: That is correct.

10 MR. TOTH: And Jim, the manager of that
11 company, the manager of that LLC is HMB 405, Inc. is
12 that correct?

13 MR. BRACKEN: Correct.

14 MR. TOTH: That is of public record. And you
15 are the president of HMB 405, Inc?

16 MR. BRACKEN: Right.

17 MR. TOTH: So you are the president and manager
18 of the property?

19 MR. BRACKEN: Correct.

20 MR. TOTH: The operator is Riverdale Materials,
21 and you work in operations for that company, is that
22 correct?

23 MR. BRACKEN: Yes.

24 MR. TOTH: And you are authorized to speak for

1 | them today too?

2 MR. BRACKEN: Yes.

3 MR. TOTH: So our application again did
4 identify both the operator and the owner as
5 coapplicants.

6 There's a few different things. First of
7 all, you do actually have some landscaping. You
8 cleaned it up a little bit. You have a viable
9 business going there. Could you tell us about that
10 for a second?

11 MR. BRACKEN: Has anybody gone past our
12 facility on 138th and seen the changes that were
13 made. Some of the Board members are familiar with
14 that area.

15 My name is Jim Bracken. I am in the utility
16 transport service and hydrovac service and a
17 transfer and recycling service in Markham and now in
18 Riverdale. Bracken Management is a construction
19 company, and Morris dirt, we provide scrap
20 materials, black dirt and pulverized dirt.

21 So our facility in Riverdale, what we are
22 doing and what we intend to continue to do is to
23 recycle construction and demolition debris, dirt and
24 concrete that is considered the construction

1 demolition, as well as provide scrap material for
2 commercial uses or private uses. Anybody in
3 Riverdale could go there and get some black dirt.

4 My understanding having talked to the mayor
5 and manager, on the south side the only place to get
6 any black dirt around here is from Menard's off of
7 the Bishop Ford, and they will charge you by the
8 bag. Now, you have a facility to get it for a
9 decent price, as well as mulch and other things.

10 If you are doing a back yard renovation, you
11 need to get rid of some concrete, you could bring it
12 there. We'll take it for free. If you need some
13 coarse aggregate to put down for pavers, whatever,
14 we'll have sand and various other materials. We
15 have landscape boulders in there. You could pick
16 them up. You could get them delivered with a 20 ton
17 semi or come in with a pickup truck or Volkswagon if
18 you want to put them in there one by one.

19 So that is kind of what we're doing there. I
20 own a number of different entities, and we all kind
21 of work together.

22 MR. TOTH: So you're with hauling and waste
23 uses for several different companies?

24 MR. BRACKEN: Correct.

1 MR. TOTH: How many years have you been doing
2 that?

3 MR. BRACKEN: I have owned the business for
4 over 15 years. I have been in the industry over 25
5 years.

6 MR. TOTH: Okay. Let me back up a little bit.
7 So the different types of things that will be going
8 on, it's sort of a landscaping business you've
9 cleaned up, and it's a nice use of the property now.

10 Some of the major features will be the
11 construction and demolition debris processing, maybe
12 some wood materials processing and clean soil
13 processing. But the focus probably is, is it fair
14 to say, the construction demolition debris?

15 MR. BRACKEN: Correct, converting the material
16 into aggregate.

17 MR. TOTH: So the facility accepts mixed loads
18 of construction and demolition waste materials.
19 It's for sorting, processing into marketable
20 products and raw materials, is that right?

21 MR. BRACKEN: Correct.

22 MR. TOTH: Loads of this material will be
23 delivered to the facility, maybe by some of your
24 affiliated rollout services poured from construction

1 demolition contractors, local citizens, is that
2 correct?

3 MR. BRACKEN: Correct.

4 MR. TOTH: There is a load checking program.
5 Maybe we'll talk more about that, but that is used
6 to prevent delivery of unauthorized materials to the
7 facility to ensure that not less than 25 percent of
8 the incoming material is nonrecyclable?

9 MR. BRACKEN: Correct.

10 MR. TOTH: And that there's no unauthorized
11 materials?

12 MR. BRACKEN: Correct.

13 MR. TOTH: Unauthorized materials that you will
14 not accept include hazardous waste, special waste,
15 medical waste, asbestos containing material,
16 batteries, tires, things like that?

17 MR. BRACKEN: Correct.

18 MR. TOTH: Again, those are not accepted.
19 Materials are deposited into designated offloading
20 areas. Material is sorted, segregated by type.
21 Generally it's sorted in 48 hours from the time it's
22 received. Is that right?

23 MR. BRACKEN: Correct.

24 MR. TOTH: Once it is sorted and segregated,

1 the various recyclable materials will be staged at
2 the facility, and recycled materials stockpiled.
3 Material is transported for recycling when a full
4 load is accumulated?

5 MR. BRACKEN: Right.

6 MR. TOTH: We have a plan here. Can you show
7 where the construction and demolition debris
8 processing will go, if you could point to it?

9 MR. BRACKEN: We have a scale. You're coming
10 off of 138th Street, there will be a scale house
11 there with an attendant who will check the loads to
12 make sure they're bringing --

13 MR. TOTH: So that is an existing entrance on
14 138th?

15 MR. BRACKEN: Correct.

16 MR. TOTH: We're not changing those features,
17 okay.

18 MR. BRACKEN: The trucks will drive in the
19 base. There's an asphalt tipping floor. They'll tip
20 the materials. They will be sorted.

21 We'll have a processing area over here,
22 screening, and the dirt stockpiling area here. And
23 the front we have the landscape resale area facing
24 138th.

1 MR. TOTH: Okay. So you are taking
2 construction debris, and you are sorting it,
3 converting it to useful materials, recycling?

4 MR. BRACKEN: Creating beneficial use of
5 material.

6 MR. TOTH: So another use of the facility will
7 be the processing of clean, unpainted wood
8 materials, is that correct?

9 MR. BRACKEN: Correct. You could take wood and
10 grind it and convert it into mulch.

11 MR. TOTH: So the clean wood materials are
12 shredded, stockpiled. That is on the northwestern
13 part of the footprint?

14 MR. BRACKEN: Correct.

15 MR. TOTH: And it's possible over time as the
16 needs come in, you might adjust, move things around
17 a little bit, but the plan is for the northwest
18 corner.

19 There's water runoff controls that include
20 fencing located to prevent wood chips from entering
21 storm water runoff. Is that correct?

22 MR. BRACKEN: Correct.

23 MR. TOTH: The shredded wood stockpiles will be
24 removed no less than on a weekly basis or as the

1 material volumes dictate. Is that correct?

2 MR. BRACKEN: Correct.

3 MR. TOTH: Then there will be a wood chipper at
4 the site for processing the clean wood materials
5 like you said before, is that correct?

6 MR. BRACKEN: Correct.

7 MR. TOTH: We're going to get any required air
8 permits will be acquired prior to that operation, is
9 that correct?

10 MR. BRACKEN: Yes.

11 MR. TOTH: And again, we know we have to go for
12 other approvals. We're going to do that, and we're
13 here for the zoning approval.

14 We understand that there's more on our list
15 to do, is that correct?

16 MR. BRACKEN: Correct.

17 MR. TOTH: So again, as you said, the end
18 product will be mulch, compost and some amount of
19 land material, correct?

20 MR. BRACKEN: A small amount of construction
21 aggregate, sands.

22 MR. TOTH: Some of that will be for sale at the
23 city?

24 MR. BRACKEN: Correct. And it can be reused

1 for local sewer and water main projects and for the
2 City of Chicago and the local surrounding suburbs.

3 MR. TOTH: And then final targeted use of the
4 site is clean soil processing. That is clean soils
5 excavation material.

6 It's not contaminated by petroleum products or
7 crude oils or environmental contaminants or anything
8 like that, is that correct?

9 MR. BRACKEN: Correct.

10 MR. TOTH: That undergoes processing to remove
11 oversized objects. Could you describe that?

12 MR. BRACKEN: You could separate the concrete
13 from the dirt. If you did an excavation and you had
14 a mixed load of concrete dirt and bricks, we have a
15 machine that could separate them and make beneficial
16 uses out of them.

17 You could essentially screen out good black
18 dirt from bricks and concrete. We sell the black
19 dirt used for potting soils and process the brick or
20 concrete for beneficial construction projects.

21 MR. TOTH: And where is that going to be
22 located on the site?

23 MR. BRACKEN: That will be in this area back
24 here (indicating).

1 MR. TOTH: And again, we have withdrawn our
2 request for municipal solid waste.

3 More generally, you will have in place
4 collection service agreements, and those will
5 specify what materials can be delivered to the site.
6 And they will specify that there are prohibited
7 waste materials that cannot be brought to the site,
8 is that correct?

9 MR. BRACKEN: Yes.

10 MR. TOTH: And there is a facility manager at
11 the site that works under an operations plan and
12 that person is responsible for approving or
13 rejecting materials. Is that correct?

14 MR. BRACKEN: Yes.

15 MR. TOTH: Unacceptable waste will be rejected
16 prior to unloading, is that right?

17 MR. BRACKEN: Yes.

18 MR. TOTH: If something strange happens and
19 unacceptable waste is somehow dumped, it will be
20 promptly removed and appropriately disposed of
21 offsite, is that correct?

22 MR. BRACKEN: Correct.

23 MR. TOTH: To do that if needed, there's
24 specialized contractors that are available to be

1 summoned to the facility to evaluate and dispose of
2 properly any hazards?

3 MR. BRACKEN: Correct.

4 MR. TOTH: Every effort will be made to avoid
5 that, correct?

6 MR. BRACKEN: Yes.

7 MR. TOTH: Any individual responsible for any
8 illicit dumping at the facility will be identified
9 and reported to the proper authorities, is that
10 correct?

11 MR. BRACKEN: Right.

12 MR. TOTH: The facility will maintain accurate
13 and up to date records of both materials that are
14 accepted for processing and recyclables and waste
15 materials that are shipped from this facility for
16 further processing, sale or disposal?

17 MR. BRACKEN: Yes.

18 MR. TOTH: Because wood will be present in the
19 processed materials, open burning is prohibited at
20 the facility?

21 MR. BRACKEN: That's correct.

22 MR. TOTH: Dust control measures will be
23 implemented to minimize the creation of dust and
24 includes a safe operating speed not in excess of

1 15 miles per hour, is that right?

2 MR. BRACKEN: Correct.

3 MR. TOTH: Facilities monitored daily by
4 personnel for the presence of dust and dust control
5 measures are implemented as needed. Is that
6 correct?

7 MR. BRACKEN: Correct.

8 MR. TOTH: It might be hosing something down.
9 The noise generated as a result of onsite operations
10 is similar in amount to any normal truck traffic or
11 construction operation, is that correct?

12 MR. BRACKEN: Correct.

13 MR. TOTH: All equipment designated for
14 operations at the facility will be equipped with
15 mufflers or other sound dissipating devices required
16 for compliance with the applicable law. Is that
17 correct?

18 MR. BRACKEN: Yes.

19 MR. TOTH: Access to the facility will be
20 restricted through the use of fencing and gates?

21 MR. BRACKEN: Correct.

22 MR. TOTH: Operations at the facility will be
23 covered by the storm water pollution prevention plan
24 of Riverdale, materials which will provide for

1 routine inspections and other controls. Is that
2 correct?

3 MR. BRACKEN: Correct.

4 MR. TOTH: Storm water runoff in the facility
5 can exit the southwest portion of the property and
6 flow into a storm water retention pond, is that
7 correct?

8 MR. BRACKEN: Yes.

9 MR. TOTH: There's some structures on the site.
10 You're not building a new building?

11 MR. BRACKEN: No.

12 MR. TOTH: The lot line is going to limit
13 water absorption by the soil. It is mostly open
14 space that will absorb the rain water, correct?

15 MR. BRACKEN: Yes.

16 MR. TOTH: You'll be operating for your
17 processing Monday through Friday, occasionally
18 Saturday as needed for processing of materials. Is
19 that correct?

20 MR. BRACKEN: Yes.

21 MR. TOTH: But you can have longer hours for
22 other accepted materials?

23 MR. BRACKEN: Yes.

24 MR. TOTH: And all employees that work at the

1 facility will be trained in the operating procedures
2 specific to our facility, is that correct?

3 MR. BRACKEN: Correct.

4 MR. TOTH: How many employees will you have
5 there?

6 MR. BRACKEN: Approximately ten employees.

7 MR. TOTH: General emergency contingency
8 situations will be managed in accordance with the
9 emergency action plan, and employees will be trained
10 accordingly. Is that correct?

11 MR. BRACKEN: Correct.

12 MR. TOTH: All employees working at the
13 facility will be trained in procedures for handling
14 emergency or contingency situations, and the
15 locations of all firefighting equipment, including
16 fire extinguishers and telephones to report
17 emergencies with the local fire department will be
18 communicated to all employees at the facility. Is
19 that correct?

20 MR. BRACKEN: Yes.

21 MR. TOTH: And we're going to probably have our
22 engineer talk a little bit, but if there are any
23 questions for Jim from the Board, we'll take some of
24 those now.

1 MR. CUNNINGHAM: You guys say you have
2 rescinded the solid waste. Once you move forward,
3 are you considering bringing that back up on the
4 table or is that something you have eliminated
5 totally from the business operation?

6 MR. BRACKEN: At this point in time we're
7 eliminating it. We operate a very diverse business
8 and some of the contracts that we go after, we need
9 those permits to participate in the contracts.

10 They keep the little guy out sometimes when
11 they put these stipulations in. They require these
12 permits. I'll give you an example of that. The
13 Chicago Park District has a debris removal. The
14 City will bring up debris, but occasionally there be
15 might be a piece of trash in there, and they will
16 want you to have the MSW permit.

17 The majority is gravel, asphalt, some yard
18 waste and that is an example of one of the permits
19 that we would like to be competitive with. And in
20 the future, we have a street sweeping contract we've
21 had with the City of Chicago for going on eight
22 years.

23 Unbeknownst to a lot of people, they
24 considered that as MSW. You have to have a permit

1 to sort that out. It would just be in the future
2 more efficient to be able to process that and pull
3 out other aggregates.

4 We try to keep our trucks loaded all the
5 time. It would all kind of work together. Those
6 are ideas for the future. But as far as hauling
7 municipal waste, as far as the garbage cans behind
8 this facility, we don't own any garbage trucks at
9 all. We don't have any garbage trucks.

10 We don't have any garbage contracts. We
11 have never had any municipal waste contracts. We're
12 more of a rollout company that deals with the
13 utilities in the street. We do a lot of work for
14 Com Ed. We do a lot of work for Peoples Gas.

15 Now, excavating out of the ground for Peoples
16 Gas, there's a big renovation going with all the gas
17 lines. You might have seen people's houses being
18 blown up. A lot of those old gas lines are leaking
19 now. And years ago when they were put in, sometimes
20 they put them right through the sewer pipe.

21 Now, they have cameras to go to the sewer.
22 Sometimes that gas would leak and leak into houses.
23 That is when the houses would blow up. It is a big
24 renovation. It's a big part of our business,

1 utility transport. We'll provide the recycled
2 materials at Riverdale, we we will take them to the
3 site. They will use the CA 8, the stones and
4 backfill, and we'll bring back the dirt. However,
5 Peoples Gas in particular and Com Ed, they want to
6 cover themselves. They want that stuff to go to a
7 facility.

8 Sometimes depending on what area, if it's in
9 Chicago they want it to go to a facility that has
10 that license. If it's in a suburb, they really
11 don't require it. So for us to be competitive in
12 the future, we would seek a license like that just
13 to have it so we could participate in that type of
14 work.

15 Once again, we don't own one garbage truck,
16 and we have never, and we have no contracts with
17 municipalities or municipal waste. We're a totally
18 different entity. We're kind of unique in what we
19 do. We take our dumpsters, and we supply the
20 dumpsters in Chicago to these companies with the
21 stone, that utilize the stone and load it back up
22 with the outgoing material and take it away.

23 This prevents the contractor from having to
24 pay to have the truck and driver for sitting there.

1 It keeps the contractor free from violations with
2 the City. It's safer. People are not crossing the
3 streets, tripping on stone, gravel, stuff of that
4 nature. It's going to be challenging in the future
5 if we have to drive all the way somewhere else to
6 get rid of that load and drive back here to load up
7 the aggregate. It's more effective and efficient to
8 have it all in one spot. But we want to be friendly
9 neighbors and crawl before we walk.

10 MR. CUNNINGHAM: I know there is a similar
11 facility in Harvey that does the same thing with the
12 gravel and recycling.

13 MR. BRACKEN: Is it closed, that facility? Was
14 it Earth Incorporated at one time?

15 MR. CUNNINGHAM: Halsted at 156th.

16 MR. BRACKEN: They left it, and it's all there.

17 MR. CUNNINGHAM: They closed down?

18 MR. BRACKEN: They closed down. We're actually
19 the closest recycling facility as far as concrete
20 and asphalt to the City of Chicago.

21 And we're the only landscape facility you're
22 going to find around that area that you could do
23 multiple things. So it's really taken off. It's
24 really the use, and we have done great things with

1 that corridor. And we want to continue to grow.

2 So far we have employed three people from
3 Riverdale and as we go we'll be looking for more.
4 We're also starting a pilot program with Riverdale.
5 We're going to renovate the alleys. We're going to
6 take the products we're creating and put them down
7 as a base and the asphalt mix that we blend, we're
8 going to cap off the alleys, saving the town
9 enormous amounts of money.

10 That is part of our agreement with the town.
11 We're going to donate the materials to the town as
12 needed. Which I mean this project alone we have on
13 the board this pilot program, we'll contribute over
14 \$125,000 within a month and a half.

15 Just for that project alone between the
16 aggregate that we're providing and the labor that
17 we're going to provide. There's a gentleman right
18 down the road that just was starting to develop a
19 piece of property. He needed some asphalt grindings
20 for his site, and we have delivered them all to him.
21 We're right down the road. It was efficient for him
22 and effective.

23 He's very happy. Now he's going to move his
24 business into Riverdale and continue to grow. We're

1 very successful in Markham. If you talk to any of
2 the administration in Markham, the mayor or any of
3 the aldermen, they'll tell you what we've done for
4 that town.

5 I was one of the first guys in Markham. We
6 brought five or six other businesses, landscape
7 business.

8 MR. TOTH: Why don't you talk about your
9 business there for a second.

10 MR. BRACKEN: In Markham we have a similar
11 business, but we're not dealing with so much the
12 aggregate, we're dealing with more construction
13 materials that are nonhazardous construction
14 materials, which you can then separate there as
15 well.

16 Separate the steel and different products
17 that are recyclable. There is a minute amount of
18 material that you can't recycle and that will go on
19 to a landfill.

20 MR. TOTH: There's not been any problems with
21 that facility?

22 MR. BRACKEN: We have had some growing pains in
23 the beginning, I'll admit. I own a lot of
24 businesses, and we had to bring in some managers.

1 And we tightened it up.

2 In the beginning, we had a few problems.
3 Markham and Harvey had a few problems with some
4 dumping areas. We got tied into that. But we had
5 some minor infractions, but we hired the right
6 people moving forward. We had a landscape waste
7 facility there. We have a small MSW section for the
8 street sweepings.

9 We have this CCD permit there as well, and
10 it's been working out for us. Since we have three
11 separate licenses in that facility, we're subject to
12 inspections from three different entities. So we
13 had over, since our little hiccup we've had over 24
14 inspections with no violations.

15 I have all the paperwork here, and you could
16 also FOIA all that information. There was another
17 thought I wanted to add. So that is what's going on
18 there. The problems with Markham is we have 20
19 acres, and we have outgrown it. So this whole
20 processing of the aggregates that I want to do, I
21 just don't have the room over there.

22 Similarly, though, in Markham, there's
23 another guy that does process the stuff, and he also
24 has some of the same permits that I have. I was the

1 first guy to have a landscape waste transfer permit
2 in Markham. This is all public record. There's a
3 guy down the road, the concrete crushing. He
4 applied for the same permit, but I welcomed him to
5 the town and today business is good. Competition is
6 good.

7 Good luck to you, and we work together. He
8 also sells black dirt, and I sell black dirt, and we
9 coexist without a problem. I didn't FOIA any
10 information. I didn't do that stuff. I didn't do
11 that.

12 I have to keep pushing forward. That is the
13 way we do business, and we've been very successful.
14 We're a diverse company. We have over seven
15 different businesses. So we're always going to be
16 there. If the economy shifts this way, we could put
17 our eggs in another basket. So the people that
18 we're employing we're not going to lay off. You get
19 a job with us, you're going to have a job with us.

20 MR. CUNNINGHAM: Thank you.

21 MR. BRACKEN: Any other questions?

22 MS. SHIPP: My name is Carmelia Shiff. What is
23 the risks of operating a demolition business close
24 to where people live is the first question.

1 And second, why Riverdale. And the third
2 question is why not some rich suburban area to have
3 this plant at?

4 MR. BRACKEN: To be honest with you, they don't
5 want it. So the opportunities are here. And to
6 answer your question in demolition unbeknownst to
7 some of the people in the room, KLF Enterprises was
8 my first company that came to Riverdale.

9 We have won the demolition contracts for
10 Riverdale by the low bid process. We're the lowest
11 bidders the last three years. We've been doing
12 demolition in this town over three years or four
13 years. We haven't had any violations or any
14 problems.

15 To answer your question how safe is it, our
16 people are all trained. We demo in this town all
17 the time. We take the material out and backfill,
18 and we take it to Markham. Imagine if we could do
19 that in town, we could reduce that price for the
20 town.

21 MR. TOTH: In Markham, this is zoned I-2. This
22 is an industrial use.

23 This is not a use -- again, it's not
24 accepting hazardous materials. It's not processing

1 hazardous materials. It's not a landfill. It's an
2 industrial operation that is part of the fabric of
3 business.

4 MR. BRACKEN: We'd be more than happy to take
5 you on a tour to show you what we're doing over
6 there. We're very proud of what we're doing. We'll
7 be happy to show you.

8 MS. SHIPP: Even doing demolition, there's
9 chemicals going in the air, and your facility is
10 still close to where people are living.

11 MR. BRACKEN: To answer your question, and the
12 chief can attest to this. As far as the chemicals,
13 before any demolition is done, the house will go
14 through an asbestos test and that will all be
15 removed by professionals.

16 When we do demo property, we're putting water
17 on the property. We're reducing the dust as we're
18 demoing the property. KLF, if you haven't heard of
19 us, that's great. If we had a lot of problems
20 demoing in the town, you would have heard of us. We
21 must be doing something right.

22 So to answer your question, we will keep water
23 suppression on it. Particles of dust will not be
24 able to go up into the air. If you look at the

1 section of where we are, we're surrounding by the
2 railroad tracks. We're so far from 138th, maybe over
3 1,000 feet. So we're back in that section
4 processing.

5 MR. TOTH: So you have railroad tracks to the
6 north?

7 MR. BRACKEN: We have taken that into
8 consideration when we planned out, we took your
9 concerns into consideration when we laid out our
10 yard.

11 MS. BLOUNT: I was interested in that also.
12 There won't be anything harmful with the citizens of
13 Riverdale?

14 MR. BRACKEN: Not with the fire chief, as long
15 as he's around.

16 MS. BLOUNT: I am curious as to why Riverdale,
17 which I love.

18 MR. BRACKEN: To answer the question, we ran
19 out of space with Markham. We've been very
20 successful.

21 I started my business with one truck. We
22 employ over 150 people. We'll do 50 million dollars
23 in revenue this year. I'm up to 70 trucks. I have
24 been able to evolve into different businesses, and I

1 ran out of room. When I started demoing in
2 Riverdale, I noticed this property, and it fits. And
3 business in Riverdale, the administration is great.
4 You could work with them.

5 To go to another town, number one, we can't
6 find the property anywhere, and it's so close to the
7 expressway it reduces that footprint of the truck.
8 People really don't want the trucks going through
9 the town. We're in a prime position to reduce the
10 carbons. So that was what was advantageous.

11 It's here in the south suburbs. The location
12 was more beneficial for me than whatever demographic
13 was surrounding it.

14 MR. TOTH: And everybody needs these services.
15 This helps everybody. The municipalities, things
16 are demoed in Riverdale.

17 MR. BRACKEN: If we're demoing in Riverdale and
18 we're separating clean wood and converting it to
19 mulch, and the residents could buy the same stuff
20 that was demoed out, the clean wood and concrete.

21 We're keeping it all in the same area. If
22 we're hiring the residents from the town to do it,
23 it's a win win. The more people that come to my
24 facility the more people that are going to see

1 Riverdale. Everybody that drives into this
2 facility, the amount of traffic, they're all going
3 to have to stop for lunch and fuel up their trucks.
4 It's bringing a lot of people to the town who are
5 putting their eyes on the town.

6 That's just the way I look at it. It's a
7 win win. Any business is a win win.

8 MR. CUNNINGHAM: I have patronized your
9 business already. That was my own personal
10 business, but I am glad to see material a lot closer
11 to me because I'm in the construction business
12 myself. It's been a benefit to me already.

13 MR. BRACKEN: That's the plan. I talked to the
14 mayor of Dalton. He was complaining. He felt bad
15 for the residents that the only place for them to
16 get pulverized dirt was Menard's, and it was always
17 sold out, and they're raising their prices. And you
18 have to buy in bulk in bags.

19 You could call us up. We'll deliver it to
20 your house. If you want to plant a garden, one or
21 two or three yards or a whole semi, 20 semis. We'll
22 deliver it. We're not limiting our facility to big
23 construction companies. Homeowners could come and
24 benefit from it, as well as big construction

1 companies could benefit from it.

2 It has a dual use. Like I said, I have a
3 business. You want to be accessible to do various
4 things. You don't want to be locked into a position
5 where you can't grow. Like I said, we'll crawl
6 before we walk and do what needs to be done.

7 MR. TOTH: We'll reserve Jim in case he's
8 needed for questions, but I was going to have our
9 engineer speak a little too, if that's okay.

10 MS. SHIPP: Sure.

11 CHAIRMAN INGERSOLL: Thank you.

12 MR. TOTH: Introduce yourself, Ken.

13 MR. LISS: Ken Liss, L-i-s-s.

14 MR. TOTH: Where are you employed?

15 MR. LISS: Andrews Engineering.

16 MR. TOTH: What is your role there?

17 MR. LISS: I am not an engineer, for the
18 record.

19 MR. TOTH: You're the president?

20 MR. LISS: Yes, I'm president. We're a small
21 engineering company. I'm in Lombard and
22 Springfield, Pontiac, Illinois.

23 MR. TOTH: Briefly, would you summarize your
24 background, your educational background and

1 experience.

2 MR. LISS: I had basically two jobs. I worked
3 at the Illinois EPA basically at the bottom there.
4 And as a ground water, I worked at all the
5 landfills, including the ones here down 138th
6 Street, the CID landfill.

7 The person that took care of the permitting,
8 I was one of the permit people to make sure that
9 they were built and constructed the way they were
10 supposed to be. And then there's a natural
11 transition. As I got older, I left the EPA, and I
12 went to work for this engineering firm, and I
13 eventually became president.

14 I do a lot of environment engineering work.
15 The actual engineering, we have young people like
16 this guy back here, Josh. And we do ground water
17 cleanup. And our job is to know all of the permits,
18 all the rules, the traffic, the dust suppression.

19 Just like you have some requirements in your
20 ordinances, the EPA, the State has a lot of
21 requirements. Our job is to know those and make
22 sure the applicant who hires us, in this case,
23 Mr. Bracken, that we design and make sure that
24 everything is in place so they could get a permit to

1 operate correctly.

2 And then we provide services to make sure if
3 there's a problem in the future, that we could help
4 modify the facility in case there's storm water or
5 whatever.

6 MR. TOTH: So let's talk about that because we
7 know that this is not the end stop here. We know
8 there's other things we have to do, and a lot of
9 other people we need to make happy.

10 Could you talk about the process that is
11 involved with the Illinois EPA and what things we
12 have to do, submit, study, show, prove and submit to
13 inspections.

14 MR. LISS: Before we go beyond this point, this
15 is the first step. And I know there that there's
16 some information filed concerning 39.2, and ten
17 different things that a facility needs to do.

18 We're in the process of looking at all that
19 now. There is a permit to operate the facility as
20 it is right now. The next step is to get the siting
21 to expand the facility, the other things that
22 Mr. Bracken was discussing to operate more business.

23 So you are not going to build a house unless
24 you know the land, you could build a house there.

1 If it's zoned for a gas station, you can't build a
2 house. You're not going to pay somebody like me to
3 design that facility and do all the steps to provide
4 to the EPA if you are not sure that you can operate
5 what you want to do on there.

6 So this is the first step is addressing the
7 zoning issues with you. After this, if it's
8 successful here, we'll design the application, and
9 we have to address all of the things that were
10 submitted by the objectors. If you look at 39.2,
11 and they're good. They're valid things. There's
12 ten things to do concerning traffic operations,
13 everything. We address those. And then we come
14 back to your community, and you have a zoning
15 process. It is called siting, s-i-t-i-n-g. I think
16 it is \$50,000 to \$75,000 that the applicant,
17 Mr. Bracken, will have to pay.

18 So that you folks, you have to establish a
19 special commission. You use that money to hire an
20 outside expert, not me, because I work for him right
21 now. And they come in and review everything in a
22 hearing scenario like this to make sure that all of
23 the Is are dotted the Ts are crossed, and it meets
24 everything not only for the State, but for the

1 community of Riverdale.

2 So that's the point, all those things that
3 are gone over, and those are long, long hearings,
4 nothing like this. Is that all right?

5 MR. TOTH: That's perfect. And dealing with
6 the State as well?

7 MR. LISS: Yes. After that it's a 180 day
8 process. It is in your ordinance. You've probably
9 only done it once, but you have the accommodations
10 in there to do this process because it is your
11 committee.

12 And if it fails, it doesn't get filed to the
13 EPA, and the State cannot give a permit. If it
14 passes, then the next process is going to the State
15 and submitting the permit. And there's always an
16 opportunity for another hearing once the State has a
17 permit, and they decide to issue one. There's an
18 opportunity for another one. So you get a permit
19 then from the State.

20 MR. TOTH: And then I know that there's these
21 other elements. There's not things we're showing
22 today because the Board has its own elements. Could
23 you highlight the things we have to do to prove --

24 MR. LISS: I wish I could read from what was

1 submitted. It's in there, the traffic. Some of the
2 things you've already discussed, dust, what kinds of
3 things you're bringing in here.

4 What if something accidentally comes in with
5 these trucks coming in from demo. Part of the
6 municipal solid waste thing, I know we withdrew
7 that, but garbage is part of that. Garbage is what
8 you and I look at, we take it out to the curb.
9 That's our garbage, our food garbage, our waste from
10 our house.

11 Anything that is going to produce a
12 contaminated liquid, plaster. So if he has a lot of
13 plaster from a home, that has to go to the municipal
14 solid waste landfill. Certain types of sludges.
15 Street sweepings. Certain types of ash. All that
16 is lumped into the definition of municipal solid
17 waste. The landfill, that goes in there.

18 So the transfer station for him to have to
19 pull all that out because when you do a demo, you
20 may see dumpsters or trucks. People throw in, they
21 run out and throw out the mattress and put other
22 stuff in the dumpster that the companies use. And
23 it's buried under the rocks and bricks. When it
24 comes to these facilities, you have to pull it out

1 and get rid of it right away.

2 But that's withdrawn. That is part of the
3 process of this whole thing is why you usually need
4 some capacity of an MSW.

5 MR. TOTH: So we have to take a lot of
6 precautions, make a lot of plans, contingent plans
7 and make a lot of regulators happy to get to the end
8 of the road here.

9 Based on your experience and your
10 background, will the establishment of this
11 conditional use be detrimental to or endanger the
12 public health, safety, comfort or the general
13 welfare, in your opinion?

14 MR. LISS: No.

15 MR. TOTH: Do you believe the use will be
16 injurious to the uses and enjoyment of other
17 property in the immediate vicinity for purposes
18 already permitted or diminish other property values?

19 MR. LISS: It looks much, much better than it
20 did before. When you drive by there, really when
21 you look at it, if I were living in a community and
22 there was that old plant that was just torn up down
23 there. Here it's all cleaned up in front, and it's
24 a pretty property.

1 MR. TOTH: I will take that as a yes.

2 MR. LISS: I think that is yes.

3 MR. TOTH: This property is self contained.
4 It's not going to impede the development of other
5 areas of surrounding properties, is that correct?
6 It is sort of boxed in already with forest and
7 tracks, correct?

8 MR. LISS: Correct.

9 MR. TOTH: And to that extent, it has some sort
10 of buffer areas around it?

11 MR. LISS: And it's designed to have a lot of
12 activity when the big trucks come in. It's designed
13 to have that taken around the back.

14 MR. TOTH: Away from the street and traffic?

15 MR. LISS: It's more like a retail facility for
16 material.

17 MR. TOTH: Is there adequate access and
18 utilities for the uses proposed?

19 MR. LISS: Yes. And there's a permit that was
20 issued for this place. All that is covered by the
21 permit. You can't get your permit if you don't show
22 that. You have the ability to control all that.

23 MR. TOTH: It's on a major thoroughfare. It's
24 on 138th Street. So it's adequate for ingress and

1 egress and to avoid congestion, is that correct?

2 MR. LISS: Yes.

3 MR. TOTH: When the uses are all established,
4 will it conform to the applicable regulations of the
5 district except as to subject it to what we're
6 including here?

7 MR. LISS: Yes. It's our job to make sure that
8 everything is in there properly. The permit,
9 whatever comes to the City, the State or in the case
10 of the type of facility that you have, you wouldn't
11 get approved.

12 MR. TOTH: Beyond that, you're going to make
13 state regulators happy and anybody else, the fire
14 chief happy?

15 MR. LISS: They come out and inspect it.

16 MR. TOTH: All of the processing that you
17 described today and as we described in our
18 application is in conformance with Illinois law, is
19 that correct?

20 MR. LISS: Yes.

21 MR. TOTH: Are there any environmental problems
22 with the site now that would prevent us from doing
23 what we're going to do?

24 MR. LISS: No.

1 MR. TOTH: There was a phase one study that
2 gave us comfort in that respect?

3 MR. LISS: Before purchasing the property,
4 there was a phase one study done. We did not do it.
5 It was performed by another engineering firm that
6 identified that there was some fill, they call it
7 fluff.

8 It is the interior of a car when you tear
9 apart cars, and you take it to a car shredder,
10 things they can't get rid of. That's what was
11 buried at the site there.

12 MR. CUNNINGHAM: Was a soil sample taken?

13 MR. LISS: Not by us. It was done before that,
14 and the State is well aware of it. They never
15 pursued anything on it.

16 As far as I know, it was done in accordance
17 with State standards. The place closed up, and it's
18 just there. So it shows that there is that car
19 fluff.

20 MR. TOTH: So there's no contamination there
21 now to worry about?

22 MR. LISS: No.

23 MR. TOTH: And there's no contamination we're
24 going to be adding with our work?

1 MR. LISS: Correct.

2 MR. TOTH: And again, we are going to comply in
3 all respects with local, state, and federal law if
4 it's applicable in all respects?

5 MR. LISS: Yes.

6 MR. TOTH: Is that correct?

7 MR. LISS: That's correct.

8 MR. TOTH: I would like to offer Mr. Liss up
9 for any questions that the Board might have to him.

10 No questions, okay.

11 MR. CUNNINGHAM: He answered my question.

12 MR. TOTH: I'm going to add one thing myself.
13 It was hard to do, I actually tried to pull the
14 Village of Riverdale's comprehensive plan. It is
15 not an easy thing to get off of the website.

16 I had to take screen shots of it. I will ask
17 you to take notice of your own plan. My reading of
18 the plan on pages 20 and 21 identify this area for
19 industrial redevelopment.

20 It prioritizes industrial development and
21 that's what we're doing here. The plan also
22 identifies -- by the way, your plan looks like it
23 was established in August of 2014. So it's
24 relatively recent.

1 It identifies on pages 42 and 43 future land
2 use goals. And this site is in a general industrial
3 slash rail industrial use. So again, we are in
4 compliance with your 2014 comprehensive plan vision
5 of the future for this site as a general industrial,
6 rail general industrial.

7 We're not using it for rail services here.
8 That also continued on pages 44 and 45. There's
9 also in your plan on pages 98 to 99, some targeted
10 redevelopment areas. We are in one of those
11 targeted redevelopment areas. So that is also
12 continued I think on page 110 and 111 as similar
13 provisions.

14 I guess again, I don't have a good copy of
15 that. I'll ask you to take judicial notice of your
16 own plan. But again, I think we're in compliance
17 with the goal. It's currently zoned industrial I-2.
18 It was previously used for concrete crushing. We're
19 going to continue with somewhat similar uses.

20 And your plan contemplates the future use of
21 of industrial uses on that site. So we also meet
22 that element of the Zoning Board checklist. So with
23 that, we'll ask for your favorable consideration,
24 and recommendation to the Board for your approval.

1 We'll still answer any questions if there
2 are any.

3 MS. BLOUNT: I would like to make one comment
4 and that is that you have done an extremely thorough
5 job, it seems, in your presentation.

6 MR. TOTH: That's the team and Mr. Bracken's
7 expertise.

8 MS. BLOUNT: Yes, absolutely. I appreciate
9 that.

10 MR. TOTH: Okay. There might be other people
11 to be heard. I'll step back if there is, and I'll
12 come back and speak more as needed.

13 CHAIRMAN INGERSOLL: Thank you, Mr. Toth. Are
14 there any members of the public or other interested
15 members that wish to be heard on this matter?
16 Mr. LaRose, would you mind stating your name for the
17 record.

18 MR. LaROSE: My name is Mark LaRose.

19 CHAIRMAN INGERSOLL: Before you start, the
20 letter that you sent to the Board has been made part
21 of the record of this proceeding.

22 MR. LaROSE: That's great because that will
23 shorten my presentation so I don't have to read the
24 whole thing in. I delivered a copy. I hope you all

1 got a copy.

2 My name is Mark LaRose. I'm a principal
3 with the firm of LaRose and Bosco. I represent
4 Sheryl Germany and her company, Tri-State Disposal.
5 Sheryl is the president of Tri-State. They operate
6 a recycling and transfer station here in Riverdale.

7 In fact, over the last, at least since 2003,
8 I was the lawyer that helped get that facility sited
9 in 1994 through this siting process that my letter
10 discusses. And since at least 2003, Tri-State
11 Disposal Company has been under contract with the
12 Village to provide certain services and fees to the
13 Village.

14 And since 2003, well over one million
15 dollars in cash money has come from Tri-State
16 pursuant to contract to the Village. They perform
17 good services. They're good operators. And I
18 listened to the whole proposal. I don't know
19 Mr. Bracken. I just met him tonight.

20 I'm not here to criticize him or his
21 businesses or his business acumen. I'll take it at
22 face value that he's successful at what he does.

23 What I am here to criticize is this
24 application. And, believe me folks, there's a ton

1 to criticize. I want to start with the last thing
2 that was said. I have known Mr. Liss for 35 years,
3 and I absolutely can't believe that he said -- the
4 question was is there any environmental problems
5 with this site now or will there be in the future,
6 and he said no. Take that at face value.

7 Included in my package, and let me give you a
8 little background. I have been working in the
9 Village of Riverdale since 1986. Every single day
10 from '88 to '92 I worked on this property, every
11 single day as an environmental lawyer and as a
12 businessman for the companies that owned this whole
13 property, and this whole property (indicating).

14 I know this property probably better than
15 anyone in this room. And maybe better than anybody
16 in Riverdale. To say that there's no environmental
17 conditions with this property, either they
18 overlooked it. First of all, he talked about phase
19 one. You know what a phase one is? It's nothing.
20 You look at records. You don't dig a hole in the
21 ground. You don't take a test. It's a record
22 review. It's a phase one.

23 You take a couple of pictures, talk to
24 people who used to be there and report if there's an

1 environmental condition. I attached to my letter a
2 lawsuit that was filed by the Village of Riverdale
3 against the owners of this property. Not just this,
4 but this here and all of this (indicating).

5 And there used to be a company there called
6 Hanche Chemical. This lawsuit was filed in 2007
7 against these property owners by the Village of
8 Riverdale asking them to do something to clean it
9 up. Before you rule on this thing, take a look at
10 this lawsuit.

11 On page 11, the Village is informed and
12 believes that leachate generated within the waste
13 disposal site, that is that whole property that used
14 to be a landfill is contaminated with a minimum
15 soluble materials, phenyl and greases, fecal
16 coliform, cyanide, zinc, copper, iron, lead,
17 arsenic, manganese, mercury, chromium, nickle, which
18 contaminates have leached from the waste disposal
19 site into the waste at the site.

20 Leachate is also characterized by high
21 biochemical oxygen demand and high suspended solids.
22 Mr. Liss knows exactly what this is. He is a ground
23 water geologist. The phase one had to pick this up.
24 It's a records review. You review everything. He

1 had to pick up this lawsuit.

2 The Village is informed and believes
3 the leachate is contaminated and threatens to
4 contaminate further the land, surface face, the
5 ground water included in the aquifer. Now, I'm not
6 saying that grinding up stone here is going to make
7 that any worse, but to say that this property
8 doesn't have environmental problems.

9 The City ran out of money. They ultimately
10 withdrew the lawsuit. They didn't lose the lawsuit,
11 they just withdrew it. And that was in I think 2008
12 or 2009 because they couldn't pay the lawyers. But
13 this property was a landfill that there's cases back
14 in 1959 and 1960 that would say at night they throw
15 a match in there, and the whole thing would start on
16 fire.

17 It's not a great site, and I want to tell you
18 two things about this. This whole thing back here,
19 asphalt, forget about that because for the transfer
20 station it's not going to be there, and it's not
21 there now. This is all just dirt. There's no
22 asphalt there. There is no concrete there. There's
23 some concrete up here, right.

24 And there's another key element to this

1 thing. They talk about drainage from the site into
2 an unnamed onsite retention pond. The retention
3 pond right here (indicating). There's one real
4 problem with that. They don't own that.

5 You look on their application, look at the
6 application, and you could look at the survey.
7 Right here, this one right here, this retention pond
8 says not included. You know why it's not included?
9 They don't own that. So that is going to drain the
10 site into some retention pond they don't own.

11 And what the retention pond really is, it is
12 a permitted pond that was designed as a leachae
13 collection system. This whole thing was a hole in
14 the ground that people dumped trash and chemicals
15 into way back when government made them do a leacha
16 collection system, and this is where most of it
17 goes. They don't own the retention pond. Yet they
18 kind of sneakily put it in their application.

19 If you look a couple of pages beyond that,
20 here it is right here. It says not included on one
21 site. Boom. All of a sudden it's included on this
22 site. They don't own it, and I know who does. So
23 I'm not going to read this whole thing to you. Take
24 a look at it. It's not a great site for this type

1 of process.

2 Let's talk about the application itself. I
3 really appreciate that they withdrew the transfer
4 station part of it, the municipal solid waste part
5 of it, but they did that because they had to. It
6 was intricately involved in this application at
7 first.

8 I just got this case on Monday. I took one
9 look at it and said this is not the right process.
10 They can't do it this way because zoning doesn't
11 apply. It's this whole other siting process. So it
12 took me a couple of days to put it together. I sent
13 it to them, and I just sent it to you.

14 And trust me, they withdrew that part of it
15 because they had to. It was in the application.
16 And I think they were going to try to slide it
17 through, but that would have been a totally illegal
18 action. They can't do that.

19 Now, my problem with them just withdrawing
20 part of it, it's not like we have a super whiteout
21 here where we take out this part of the application
22 and that part of the application. What part of the
23 application do we take out, it's all intertwined.
24 It all talks about municipal solid waste, and the

1 transfer station and all of these other processes,
2 right.

3 So I think there are two other kinds of
4 technical problems with the application. First of
5 all, they say that this 1201 West 138th Street, LLC
6 is a coapplicant. Where does it say that? Nowhere.
7 First time --

8 MR. TOTH: It says it on the application.

9 MR. LaROSE: Where? Show me.

10 MR. TOTH: Sorry to interrupt.

11 MR. LaROSE: Maybe you could clear it up. I
12 read the application ten times.

13 MR. TOTH: Do you have it with you?

14 MR. LaROSE: Yes, I do. It is right here.

15 MR. TOTH: Right there (indicating).

16 MR. LaROSE: Owners 1201 West 138th, LLC,
17 coapplicant. Okay, I apologize. I missed that one,
18 okay.

19 But the other thing is this is the first
20 time I heard ten to 12 employees. The application
21 says four employees. And nothing in this
22 application has said what the resources of 1201 West
23 138th, LLC are. Some newly formed company.
24 Riverdale Materials, LLC, some newly formed company.

1 What's their experience? What are their resources?
2 What have they done?

3 So I think that the proper thing to do,
4 they're withdrawing the part of this. The proper
5 thing would be to withdraw the whole thing and then
6 do it right. Take out all the references so you
7 don't have to figure out what's in and what's out.
8 Take out all of the references to municipal solid
9 waste and transfer station because that can't be
10 done here. It cannot be done here legally.

11 But they let them go with what they can do
12 here legally and make it clear as to what is going
13 to be done. Then they could take this other
14 process. You have a pretty slick presentation,
15 right. Take a peek behind the curtain.

16 When you asked, sir, are they going to
17 completely get rid of this transfer station concept,
18 municipal solid waste, or might they bring that back
19 later, the slick answer was well, I know we kind of
20 need that to be competitive thing. The real answer
21 is they have been sweeping the streets in the City
22 of Chicago for eight years.

23 Imagine the mountains, tons, hundreds of
24 thousands of tons of dirt that come out of that

1 process. Where has it been going now? Where have
2 they been taking it now and where do they propose to
3 take it? Right here. They're going to take
4 Chicago's dirt, and they're going to dump it in
5 Riverdale.

6 And some of it is going to stay onsite per
7 their application for up to six months not covered
8 by anything, on the ground. And guess what, the
9 stuff that they don't send to the landfill, they say
10 they're just going to spread it on the ground.
11 We're going to spread it on the ground as clean
12 fill. That's in the application.

13 So I think they should withdraw the thing,
14 but if they don't, I got a couple of comments about
15 the application itself. Talked about this as the
16 wrong procedure. They took care of that, but again
17 this whole business is intertwined with municipal
18 solid waste.

19 There is really no need for this. You've
20 got a transfer station less than half a mile away
21 that picks up trash in Riverdale. Pays Riverdale
22 hundreds of thousands of dollars. Does things
23 right.

24 Do we really need another transfer station?

1 The answer is maybe they do because they ran out of
2 space at Markham or because they are picking up
3 stuff from Chicago, and they want to bring it here.
4 It was pretty cute. I think you asked, ma'am, why
5 Riverdale, and the first answer was nobody else
6 wants us. Right. That kind of got under the
7 carpet.

8 Then there was a bunch of, well, nobody else
9 wants us, but we need to be competitive. It's the
10 only land we could get. We ran out of space in
11 Markham. The story is nobody else wants us. If, in
12 fact, I guess that this could be a benefit to
13 Riverdale, some portion of it, getting the black
14 dirt or getting the stone.

15 Sir, you said you did business there. You
16 bought something. That could be a good thing, but
17 bringing in the waste from other municipalities and
18 doing nothing but dumping it here in Riverdale and
19 transferring it and have a bunch of people make
20 money off of that, I'm not here saying that my
21 client doesn't make money off it, sure they do.

22 Do they want this thing, no, they don't want
23 the competition, and they don't think it's
24 necessary. And they don't think that this

1 application is correctly written up. So there's no
2 need.

3 You have piles of uncovered materials for
4 six months. We already talked about the site has a
5 history of environmental problems. For them to
6 stand here and say, sir, is there any environmental
7 problems with the site? No, there aren't. That is
8 a lie. That's an outright lie.

9 It's documented. The Village sued this
10 property and others for cyanide, all these other
11 things that Ken Liss knows exactly what it is. Now,
12 truth be told, is anybody going to clean this thing
13 up? Not in a million years. It would take hundreds
14 of millions of dollars to clean it up.

15 But they're not even saying, hey, we'll
16 concrete the whole thing or we'll asphalt the whole
17 thing so that we keep stuff from getting further
18 into the ground. That would be a good solution. If
19 they came in and said we'll take the 17 acres, and
20 we use our crushed stone and our aggregate, and
21 we'll concrete the whole thing. That will make me a
22 lot more happy and should make you a lot more happy.
23 If you got more than half of this site that is just
24 dirt you're going to dump stuff on with all the

1 stuff already underneath.

2 It's like I said, nobody is going to clean
3 this up and that is why the Village gave up because
4 there was not enough money to force anybody to do
5 it. Get Ken Liss back up here to say how much to
6 clean this up. Hundreds of millions of dollars. He
7 talked about the drainage into a pond that they
8 don't own. Ask him about that.

9 17 acres, four employees. Open for dumping
10 24 hours a day. Where is that stuff coming from? I
11 could tell you right now where it's coming from.
12 It's coming from the street sweepers that are
13 running down the streets in the City of Chicago and
14 coming here at night and dumping that stuff.

15 Transfer station on dirt or even a dirt
16 recycling place on dirt where it's going to come in
17 trucks 24 hours a day and dump the stuff on dirt.
18 We already have problems with the dirt as it is.

19 Folks, I think this is a bad idea. I really
20 do. And you should ask yourself what's the benefit
21 to Riverdale. I don't think much, if anything.
22 They talked about we got some contract with
23 Riverdale. We're going to do this and that. What
24 contract? Where is that in the application?

1 Who made that contract? Who made that back
2 room deal? I don't know that any contract was
3 approved by the Village. We didn't see anything
4 like that. My client got a living, breathing
5 enforceable contract with the Village of Riverdale
6 where they actually pay money. Not that they gave
7 some guy some aggregate to pave his driveway or
8 something like that, which would be a great thing if
9 it really was a contract.

10 What's the benefit here for Riverdale? They
11 already own the property. Whatever property taxes
12 they're paying, you're already getting that. They
13 have four employees. Then Mr. Bracken says three
14 from Riverdale. Great. It should be 30 from
15 Riverdale. My client employs 48 people not a half
16 mile away, some of them from Riverdale.

17 Again, I think this is a bad idea. I think
18 you ought to slow down, ask them to refile it the
19 right way, answer some of the real questions on the
20 environmental condition of the property, where the
21 runoff is going to go. What are we really going to
22 do with the -- where is the stuff you're street
23 sweeping right now, where is that going? Where is
24 it going to go?

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1 When you say oh, maybe we need this for later
2 on, they need it for later on because they need it
3 for street sweeping contracts. They ran out of
4 property in Markham they said. I'm not here to say
5 they're not successful businessmen.

6 I'm here to tell you there's more to this
7 application than is on the piece of paper, and I
8 know it first hand, and I think you ought to take a
9 closer look at it.

10 MS. SHIPP: Who is your client exactly? You
11 talked about their circumstances, but I want to know
12 how is your client tied into this?

13 MR. LaROSE: They're not tied into it at all.
14 They're a half mile away. They're a business in
15 Riverdale, and they really don't think that --

16 MS. SHIPP: What business in Riverdale?

17 MR. LaROSE: They own a transfer station in
18 Riverdale. They own the garbage transfer station.

19 MS. SHIPP: I see. It's their competition.

20 MR. LaROSE: Exactly right, but it's not just
21 the competition. I really admired what Mr. Bracken
22 said. Come on in, competition doesn't bother us.

23 Well, real and good competition don't
24 bother my client, but that means doing it the right

1 way, filing an application that is honest, true,
2 correct, not withdrawing part of it because I woke
3 them up. I'm not sure I woke them up.

4 Somebody missed something, but Section 39.2
5 is a real deal. It's expensive. It's way bigger
6 than zoning. And that's why the law itself says you
7 can't use zoning for this stuff. You have to have
8 this separate procedure.

9 So now they come in tonight. They withdraw
10 that. Again, I respect that, but I think this whole
11 thing is tainted by that. So what's the harm to
12 tell them no now, refile it the right way. Answer
13 the questions about the condition of the property,
14 and the runoff and what you're really going to do in
15 the future with this street sweeping and MSW. And
16 then you could make a better informed decision.

17 And the MSW part of it, the transfer station
18 part of it can go its separate way, if it ever does
19 go its separate way. But believe me, that was the
20 plan. That's why this application is tainted
21 because if you just read the first -- read page two.
22 Conditional use, recycling facility and transfer
23 station.

24 More specifically, processing of construction

1 and demolition debris. Material processing, soil
2 processing, materials, municipal solid waste and
3 including municipal street sweeping processing.
4 This whole application is intertwined with that.

5 Make them take that stuff out so you don't
6 have to figure out which part of it comes in and
7 which part of it comes out because their explanation
8 of all of this stuff, every single paragraph, that
9 explains what they're going do, talks about the
10 transfer station.

11 Make them take that out. Make them refile
12 it. Do it the right way and answer the right
13 questions. And if they do this the right way, God
14 bless them. Bring on the competition. I'm not in
15 business here. I was general counsel to the company
16 that owned this property. That was from 1988 to
17 1992.

18 I was there every single day. The former
19 chief can tell you. The former chief could tell you
20 that I stood two days, and they had a fire hose to
21 put out fires on that property. I know this
22 property. It should be redeveloped. It should be
23 something good, and this could be something good.
24 They just got to do it the right way. Don't just

1 rubber stamp this thing. Take a closer look at it.

2 Thank you. Any questions?

3 MR. CUNNINGHAM: Thank you.

4 MS. SHIPP: Thank you.

5 MR. TOTH: I have a response.

6 MR. BRACKEN: If there's any questions. Let me
7 make a quick couple of statements.

8 If this gentleman was general counsel for
9 that property for such a long period of time, why
10 did he let it get so contaminated? That is my
11 question.

12 Just to defend myself, we didn't just walk in
13 off the street and start working in Riverdale.
14 We've been doing demolition in this town the last
15 three contracts that were issued. There's never
16 been a problem. We are not a stranger to the
17 administration. Most of the administration knows
18 us. They could testify to my character.

19 You're more than welcome to go to the site.
20 As far as asphalt covering the property, there's
21 loads of asphalt. That's exactly what we're doing.
22 Contamination, usually when you're excavating soils
23 and moving them around, that is when contamination
24 issues arise. We're not moving soils around. We're

1 capping it like we said with the asphalt grindings,
2 like he suggested. You went there yourself. You
3 didn't see anything walking around. You were happy
4 with the property.

5 That's all I could say. I mean street
6 sweepings, why did we move out of Markham, go to
7 Markham. We didn't move out of Markham. There is
8 no more room. There are two different operations.
9 You will not see the same equipment and the same
10 operation from Markham to Riverdale.

11 I came to Riverdale because I needed more
12 space. I was already operating a business. I don't
13 want to have a mud slinging competition, but if you
14 have any questions for me, I'll be more happy to
15 answer them. Part of the lawsuit, the town had a
16 lawsuit on all these people. Tri-State was part of
17 it.

18 It says it in there. They were part of it.
19 They were part of that lawsuit and those properties.
20 I'm not going to -- you asked me the questions. I
21 gave the answers. So if there's any more questions
22 for me, I'll be honest with you and tell you. That
23 is all I have to say. Thanks for your time.

24 MR. TOTH: Actually, I want to apologize that I

1 interrupted Mr. LaRosa's testimony. I apologize for
2 that.

3 I was accused of illegal conduct. So
4 sometimes that affects me. My apologies. He does
5 represent a competitor, and competition is good
6 unless you're the one who might be subject to the
7 competition.

8 It was a good question to ask what their role
9 is. He admitted, of course, they were a competitor.
10 They're going to object to this no matter what. So
11 I understand that, but that's why they're here
12 today. Can I ask you, sir, are you an engineer?

13 MR. LaROSE: No. Are you?

14 MR. TOTH: I'm not. You were --

15 MR. LaROSE: I'm not here to be questioned by
16 you. If they have questions, I'll answer them.

17 MR. TOTH: You were testifying. So I think you
18 probably can be questioned.

19 MR. LaROSE: You're testifying too. You raised
20 your right hand, didn't you?

21 MR. TOTH: I have witnesses who were.

22 CHAIRMAN INGERSOLL: Let's direct the questions
23 to me.

24 MR. TOTH: If that's the case, he has not

1 presented any witnesses at all and has not presented
2 any case at all.

3 I will object to that complaint as well.
4 The complaint is a set of allegations. It's not
5 proof of anything. It has never been proved, and I
6 can't cross-examine him on the complaint. I do have
7 people from the engineering firm here that could
8 talk and be a witness.

9 Apparently, they do not. I will bring up
10 our engineering firm in just a second here. There
11 were complaints about not having an owner as an
12 applicant. The application does say it's a
13 coapplicant.

14 He complains about the newly formed
15 companies. It's common in any business if you are
16 starting a new business, you form a new company. It
17 keeps it separate from your other companies and
18 keeps away cross liability issues. That is how many
19 people do business.

20 As far as the companies being new, they are
21 new, but you have heard Mr. Bracken testify about
22 his long years of experience in this industry. Even
23 more so you heard him testify, and you heard his
24 expertise about this area. So the fact that these

1 companies are new doesn't mean anything. People
2 have long standing experience and knowledge working
3 in this.

4 I will ask Mr. Ken Liss to come up again.
5 Where you talked about the environmental condition
6 of the site, can you revisit that topic, please?

7 MR. LISS: The phase one?

8 MR. TOTH: Yes.

9 MR. LISS: We looked at the phase one. Phase
10 one is a records review. It looks at anything that
11 was published out there.

12 It included whether or not there was State
13 violations. The property was this parcel right here
14 that we're talking about today. The former owners
15 cleaned out whatever they were supposed to clean
16 out. They're paying their taxes is what that phase
17 one indicated. There were no violations.

18 Yes, there's buried fluff. Apparently it
19 was done in accordance with whatever permitting or
20 whatever state law was allowed because there are no
21 violations against it. U.S. EPA has not issued a
22 report against it. It's a process. So there was a
23 lawsuit. I looked at that, but there was no
24 sampling or information at all where all these

1 parcels were included in that lawsuit. So there's
2 no information to look at their allegations.

3 There were no samples to substantiate
4 whatever those charges were, whatever the purpose
5 was. Maybe it was to motivate everyone in that area
6 to clean up their site, I don't know. But it was
7 ended. I don't know why it was ended.

8 There is no environmental sampling or U.S.
9 EPA charges or reports or Illinois EPA charges or
10 reports during all those times. So frankly, I have
11 no idea what he's talking about. There's no truth
12 to it.

13 MR. TOTH: Any questions for Mr. Liss? No
14 questions. Anything more that you have?

15 MR. LISS: No. I could go on for a long time.
16 If there's any questions they want to ask.

17 MR. TOTH: I will ask Jim to come up for a
18 second again.

19 Jim, I think you were accused of wanting to
20 conduct business there in violation of approvals and
21 permits. Is that your plan?

22 MR. BRACKEN: No, it's not my plan.

23 MR. TOTH: How do you conduct business?

24 MR. BRACKEN: In a professional manner. I will

1 obey all the rules and regulations.

2 MR. TOTH: Not only do you have a good reason
3 to do business just to be a good businessman, but
4 you have permits that could be in jeopardy if you
5 are not conducting your business correct? Is that
6 right?

7 MR. BRACKEN: Correct.

8 MR. TOTH: You're subject to inspections?

9 MR. BRACKEN: Correct.

10 MR. TOTH: For example, from the fire chief or
11 the Illinois EPA, is that correct?

12 MR. BRACKEN: Correct.

13 MR. TOTH: So if somebody comes there, and they
14 find materials that are not supposed to be there,
15 that's a problem, right?

16 MR. BRACKEN: Like Markham, we had 23
17 inspections with no violations. It's all public
18 information because we have the three different
19 processes.

20 MR. TOTH: So based on the way you've done
21 business in the past, based on your putting not only
22 your own name, your good name in jeopardy, but your
23 permits in jeopardy and being subject to inspections
24 by governmental regulators, you're not going to do

1 the things that you have been accused of by opposing
2 counsel here. Is that correct?

3 MR. BRACKEN: Correct.

4 MR. TOTH: Okay. That's all I have, unless you
5 have something to add.

6 MR. BRACKEN: I have nothing else to add.

7 MR. TOTH: We'll leave you with that stuff.

8 MS. SHIPP: I have one question. In your
9 application, I think it's subtitled clean soil
10 processing. Where would the soil come from?

11 MR. TOTH: Jim, could you step back up. The
12 question is about the clean soil processing and
13 where it originates, where it comes from to your
14 site.

15 MR. BRACKEN: I go down 138th, you see the big
16 sewer main being renovated. That's the soil coming
17 out of the ground. Of that, some clay, some soil
18 material that could be processed back at our
19 facilities. Clean clay could be used for building
20 pads for new construction for business, for
21 factories.

22 So it's a valuable source. There's the
23 testing processes that you could test. Usually the
24 construction companies that are doing work have

1 already tested it. The City of Chicago, they have
2 these tests that they will go through. It's a 662
3 or a 663. What do you call those tests, the
4 environmental test done for water leaks.

5 MR. LISS: You have to verify if it comes from
6 a remediation project for certain projects that a
7 geologist or an engineer who has a license has to
8 test it and sample it and tell you that it's okay.
9 Otherwise, it goes to a landfill.

10 MR. BRACKEN: They already know prior to
11 excavating anything that is contaminated will go
12 straight to a landfill, and you will not be allowed
13 divert for a beneficial use.

14 MS. SHIPP: So you're saying the soil coming to
15 138th where they're working on the water plant?

16 MR. BRACKEN: That is a possibility, yes.

17 MS. SHIPP: Clay from where?

18 MR. BRACKEN: Clay comes from the ground.

19 MS. SHIPP: From what location?

20 MR. BRACKEN: It could be in a water main
21 project in Riverdale or on a water main project in
22 Orland or a water main project in the City of
23 Chicago.

24 There's the City of Chicago, the water main

1 projects on the north side towards Wrigley Field
2 have actually sand in the ground. You could
3 separate the sand and concrete. You could resell
4 the sand. There's mechanisms that you could use.
5 There's PID testers you could put right on the soil,
6 and it's going to tell you if it's contaminated or
7 not.

8 You could go on the Internet and buy a PID
9 testing and test it yourself. That's the technology
10 we have today. Rather than getting it from the
11 horse's mouth, you could do it yourself. There's a
12 means to reassure yourselves that things are being
13 done the proper way rather.

14 MS. SHIPP: It's not speculating. So really it
15 could just come from anywhere?

16 MR. BRACKEN: Correct, it could come from your
17 back yard if you're trying to build a patio and
18 trying to excavate soil.

19 We're not a subtitle D landfill. We're not
20 taking in special waste. There's different places
21 for different soils. We're taking in clean
22 construction.

23 MS. SHIPP: Where do you live, if you don't
24 mind me asking?

1 MR. BRACKEN: I live in Chicago, 112th and
2 Drake.

3 MS. SHIPP: Is that farther west?

4 MR. BRACKEN: That is towards Pulaski.
5 However, I would have to tell you I would probably
6 tell you I live in Markham because I work 13 hours a
7 day, and I spend most of my time between Markham and
8 Riverdale.

9 I usually only go home a few hours a day to
10 go to sleep. So where I live, my residence is Mount
11 Greenwood, but I live in Markham and back and forth
12 to Riverdale.

13 MS. SHIPP: I was just asking because I was
14 wondering you live in that area, I would say it's
15 kind of a rich area, Mount Greenwood. Why didn't
16 you choose a site there?

17 MR. BRACKEN: There is no sites available.

18 MS. SHIPP: Yes, I understand. Statistics
19 prove that these types of facilities are always in
20 the poor area of people, and where these places
21 exist there's a high number of deaths among the poor
22 people. They're not commonly built in areas high in
23 money.

24 MR. TOTH: This is an area that requires some

1 land, open space to process.

2 MS. SHIPP: This is a poor neighborhood. There
3 are poor people and, like I said, it's just true
4 that these facilities are built in these type of
5 areas where the land, the people are poor, and the
6 people are dying from these very same things that
7 these operations are going on in the area.

8 MR. TOTH: I usually hear that sometimes
9 criticism, but I hear it in the context of hazardous
10 materials and landfills and things that do cause
11 harm.

12 So I would ask you to keep in mind that this
13 is different types of facilities here.

14 MR. BRACKEN: And I'm here every day.

15 MS. SHIPP: You're still using a chemical.
16 You're doing something at the facility.

17 MR. BRACKEN: I'm down there every day, and I
18 look pretty healthy.

19 MR. TOTH: Is there chemicals used?

20 MR. BRACKEN: No, we don't use chemicals.
21 Maybe you should take a site visit, ma'am. You
22 could see exactly what we do. You might not be
23 familiar with exactly what we're doing.

24 MS. SHIPP: I live in Riverdale. I've seen

1 your facility. I go past it probably every day.

2 MR. BRACKEN: All right.

3 MR. TOTH: Thank you. So I will add again with
4 respect to approvals, we know that this is --

5 CHAIRMAN INGERSOLL: Let's limit it to
6 questions from the Board. Does the Board have any
7 more questions for the applicant?

8 MS. BLOUNT: I would like to be refreshed of
9 why you left, you say Dolton?

10 MR. TOTH: What?

11 MS. BLOUNT: Were you in Dolton?

12 MR. TOTH: Me?

13 MS. BLOUNT: No, your business. Where were
14 you?

15 MR. CUNNINGHAM: He hasn't left, he's just
16 expanding.

17 MS. BLOUNT: You're still there?

18 MR. BRACKEN: We have a footprint in Markham
19 and a business in Riverdale, and we have a business
20 in Morris. We have another yard in Chicago and a
21 yard in Kankakee.

22 We're big business. We're looking for
23 areas, and we looking to hire people from those
24 areas. We're looking for different opportunities.

1 MR. TOTH: He hasn't left the area. There's no
2 story there.

3 MS. BLOUNT: I wanted to clarify that.

4 MS. SHIPP: You mentioned the retention pond.
5 Does this stuff just seep into the soil, into the
6 water?

7 The reason why I ask because there's an
8 incident that was in the news. I don't know exactly
9 where it was. Maybe South Chicago or East Chicago
10 where this apartment complex was built, and it was
11 assumed safe. And years later, it's not. A lot of
12 the children were getting sick, and they had to
13 leave. So that is my concern.

14 MR. TOTH: So the quick answer is the site will
15 comply in all respects with applicable law. So if
16 there is some retention that is required, based on
17 further reviews we will provide it onsite.

18 The retention could be a function of the size
19 of the site and a function of what you're building
20 and how much is impermiabile. We're not building
21 anything here. So usually the concern is if you
22 have a big building and you have pavement,
23 everywhere that there is nowhere for the water to
24 go. And it has to go somewhere, in a retention

1 pond. Here it's all dirt.

2 MR. BRACKEN: It's draining the way it's always
3 been draining. We're not making any changes.

4 MR. TOTH: To the extent that there's any
5 further requirements we'll provide it onsite. To
6 the extent that anything is required, we'll do so.

7 And then one or two sentences and then I'm
8 done. Again, we know that this is a Zoning Board of
9 Appeals. We know that this is not siting approval.
10 We know you're not the EPA. I don't understand that
11 argument. We're here to do what the Village of
12 Riverdale wants you to do. There is no sleigh of
13 hand.

14 We were asked to get these approvals. We're
15 pursuing these approvals. We know it's not the end.
16 That's how I started the conversation today. If we
17 need to go on for site approval and Illinois EPA,
18 whatever we need to do we'll do. But we have to
19 start somewhere, and there's no tricks or nothing
20 missed or nothing strange here.

21 You've heard from our operator and owner and
22 from our engineering firm on our side. You've heard
23 from no witnesses on the other side. Again, I ask
24 for your favorable approval. Thank you.

1 CHAIRMAN INGERSOLL: Thank you, Mr. Toth.

2 MR. LaROSE: Briefly.

3 CHAIRMAN INGERSOLL: I think we're good.

4 MR. LaROSE: We need to correct a couple of
5 things that were said to make the record clear.

6 CHAIRMAN INGERSOLL: If the Board has any
7 questions, we'll open it to the Board.

8 MR. LaROSE: You're not going to allow me to
9 correct the absolute falsehoods that were just said,
10 that Tri-State was part of this?

11 Mr. Bracken said Tri-State was involved in
12 this lawsuit. Here's the front of the lawsuit.

13 MS. GERMANY: We were not involved in it.

14 MR. LaROSE: Not involved in it at all. Mark
15 LaRose, not an environmental person, but raised his
16 right hand knowing more about this property than
17 anybody sitting here, and it's just a lie or it's
18 not true that there's environmental. All I said was
19 here's what the Village alleged.

20 CHAIRMAN INGERSOLL: Thank you, Mr. LaRose.
21 All right, the Board, so do you have any questions
22 for the applicant or the objectors?

23 At this point is there any discussion?

24 MS. SHIPP: A motion to go into discussion.

1 MS. BLOUNT: I second.

2 CHAIRMAN INGERSOLL: We have a second. All in
3 favor say aye.

4

5 MS. SHIPP: Aye.

6 MS. BLOUNT: Aye.

7 CHAIRMAN INGERSOLL: The motion carries. It's
8 got to be a publish discussion.

9 MS. SHIPP: Because I need more further
10 reading, and my feelings about facilities built in
11 the poor areas, I need to read more about what's
12 going on.

13 This is a large package to just be handed to
14 decide just in two or three days. So a further
15 reading I suggest for myself.

16 CHAIRMAN INGERSOLL: Anybody else?

17 MS. BLOUNT: I agree with what she said about
18 the thorough reading.

19 CHAIRMAN INGERSOLL: Okay. Well, then you are
20 absolutely in your right. We could table the
21 application for it to be considered at the Board's
22 next regular meeting, which is the second Tuesday of
23 the next month.

24 MR. CUNNINGHAM: I'm not objecting. I'm saying

1 the things, you're looking at a lot of stuff? By me
2 being in the construction industry, I know the
3 process.

4 They're not using chemicals. They're
5 grinding up material and reusing it, making it
6 reusable, and the same thing like the dirt. They
7 are on conveyor belts that takes out different
8 stuff. It's not like chemicals.

9 MS. SHIPP: He made that clear, the dirt could
10 come from anywhere.

11 MR. CUNNINGHAM: The dirt could come from
12 anywhere that you see at different construction
13 sites.

14 MR. CUNNINGHAM: It could be contaminated.

15 MS. BLOUNT: It could be a contaminated site as
16 well.

17 MR. CUNNINGHAM: You can get soil samples.
18 Before there is anything built on any site, there
19 are certain steps. The law, just the federal law or
20 municipal can make our law for the municipal or the
21 Village even higher than the federal law.

22 There's always different laws and regulations
23 that must be followed before building because soil
24 can be tested. Say they wanted to put a skyscraper

1 so contaminants are not allowed. You put a
2 skyscraper on a certain site. Before any building
3 or before they put their name, all these things must
4 be done.

5 MS. SHIPP: People are not doing their jobs.
6 Like they mentioned they built the projects next to
7 that old plant.

8 Somehow somebody signed those buildings to be
9 next to the lead foundation. You always got some
10 people not doing their job. When it the projects in
11 a poor area that they allowed that to go on. That
12 is my concern.

13 MS. BLOUNT: The materials that they're using,
14 they don't appear to be infectious to Riverdale, but
15 we don't know.

16 MS. SHIPP: I don't know that.

17 MS. BLOUNT: We don't really know that.

18 MR. CUNNINGHAM: I was trying to add a little
19 insight on exactly the operation. We're a Board.
20 That is why we're all together as one.

21 So I would have voted on it, but you three
22 ladies don't. So we'll table it. But that was on
23 my point. I wanted to let you know that there's so
24 many other things beyond their control before they

1 could have anything done that would have to be
2 looked into. Some stuff could fail through the
3 cracks, but this building was done 60, 70, 80 years
4 ago.

5 You can't build now like people were having
6 problems with putting in foundations. The last 40
7 years you can't build a home without putting drain
8 tiles for the water to run out. That is federal.
9 Our Village can even go deeper and so they want more
10 better than three inches of gravel. We want it in
11 five.

12 You could always go over the federal law, the
13 Village or municipal, but you can't go under. It's
14 some things to consider. It's late. You all know I
15 had a break-in. I need to go home.

16
17 MS. BLOUNT: I have another question. In one
18 day you have all of a sudden they want to do
19 something else.

20 And if they knew they were going to do this
21 type of business, why didn't they open as that type
22 of business in the beginning? Now, we can make
23 amendments. I see it, and I need more time because
24 I live here. My family lives here.

1 I understand he says he works here all the
2 time, but his family doesn't live here. So that's
3 different. So I need more time. Those are
4 unanswered questions for me. Like the fact that
5 they want to come to Riverdale, but still it's a lot
6 of unanswered questions. I need to do some more
7 reading, researching. That's what I need.

8 CHAIRMAN INGERSOLL: Okay. If the Board wants
9 to do some more research, is there a motion to table
10 consideration of this application to operate a
11 recycling facility at 1201 West 138th Street?

12 MS. SHIPP: Yes.

13 CHAIRMAN INGERSOLL: Do we have a second?

14 MS. ANTHONY: She doesn't agree?

15 CHAIRMAN INGERSOLL: You don't want to table
16 it?

17 MS. SHIPP: It's a vote.

18 MR. CUNNINGHAM: We're tabling it to bring it
19 back up.

20 CHAIRMAN INGERSOLL: There's a motion. We need
21 a second.

22 MR. CUNNINGHAM: We're not voting on it today.
23 We're tabling it for us to do the research, like you
24 people want to do.

1 MS. ANTHONY: Yes, we will do that.

2 MS. BLOUNT: We got so much at the last minute.

3 MR. CUNNINGHAM: I'll second.

4 CHAIRMAN INGERSOLL: So the record is clear --

5 MS. SHIPP: A motion to come back the next

6 Zoning Board meeting to further discuss the

7 possibility.

8 MR. CUNNINGHAM: So we are tabling it.

9 CHAIRMAN INGERSOLL: Do we have a second?

10 MS. BLOUNT: Second.

11 CHAIRMAN INGERSOLL: All those in favor.

12 MS. SHIPP: Aye.

13 MS. ANTHONY: Aye.

14 CHAIRMAN INGERSOLL: We will do a roll call

15 vote to make sure we got it.

16 THE SECRETARY: Member Blount?

17 MS. BLOUNT: Yes.

18 THE SECRETARY: Member Anthony?

19 MS. ANTHONY: Yes.

20 THE SECRETARY: Member Cunningham?

21 MR. CUNNINGHAM: Yes.

22 CHAIRMAN INGERSOLL: The motion carries. And

23 just to make it abundantly clear, this matter is

24 going to be considered again at the next zoning

1 Board meeting, which I believe is October 5th.

2 I will now move to public comment. Is there
3 anyone who would like to address the Board? If so,
4 please approach the podium. State your name.

5 Seeing none, this will conclude public comment. Is
6 there a motion to adjourn?

7 MR. CUNNINGHAM: Aye.

8 Do I have a second?

9 MS. SHIPP: Second.

10 CHAIRMAN INGERSOLL: All in favor.

11 MR. CUNNINGHAM: Aye.

12 MS. ANTHONY: Aye.

13 CHAIRMAN INGERSOLL: The motion carries. We're
14 adjourned.

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1 STATE OF ILLINOIS)

2) ss:

3 COUNTY OF C O O K)

4
5 VICTORIA D. ROCKS, C.S.R., Notary
6 Public, being first duly sworn, deposes and says
7 that she is a Certified Shorthand Reporter, doing
8 business in the City of Chicago, County of Cook,
9 State of Illinois and reported proceedings in the
10 Courts in said County;

11 That she reported in shorthand and
12 thereafter transcribed the foregoing proceedings;

13 That the within transcript is a true,
14 accurate, and complete record of the proceedings had
15 upon the hearing in the County of Cook, State of
16 Illinois, on this 23rd day of September, 2017.

17
18 *Victoria Rocks CSR*

19 _____
20 VICTORIA D. ROCKS, C.S.R.
21 License No. 084-002692
22
23
24

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